REMARKS

We are in receipt of the Office Action dated December 3, 2003, and the following remarks are made in light thereof.

Claims 9-12, 17-20 and 33-44 are pending in the application, claims 1-8, 13-16, 21-32 and 45-58 having been withdrawn and canceled without prejudice pursuant to the election filed on August 18, 2003.

Pursuant to the Office Action, claims 9-12, 17-20 and 33-34 are provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over the claims of copending application 10/158,658. Claims 12, 17-20, 36, 40, and 41-44 are rejected for indefiniteness. Claims 9, 1, 17, 19, 33, 35, 37, 39, 41, and 43 are rejected as being anticipated by Tanget al. EP 0704912. Claims 10, 18, 32 and 34 are rejected as being obvious over Tanget al.

With respect to the rejections under 35 USC 112, claims 17 and 41 have been amended to substitute "insulative" for "insulating". In addition, applicant notes that claims 17 and 14 do not read "the cathode insulative", but read "make a portion... insulative". Thus, applicant believes that there is sufficient antecedent basis for the cathode recited in these claims.

Claims 12, 20, 36, 40 and 44 have been canceled, thus rendering the rejection under 35 USC 112 moot. However, applicant notes

that the light emitting device of the present invention is included in an electric device selected from the group recited in these canceled claims.

With respect to the rejection of claims 9, 11, 17, 19, 33, 35, 37, 39, 41 and 43 as being anticipated by <u>Tang et al.</u>, each of the independent claims 9, 17, 33, 37 and 41 has been amended to include the features that (1) a first voltage and a second voltage are <u>alternatively</u> applied between the anode and the cathode, and (2) a difference between the first voltage and the second voltage gradually increases with time. See Fig. 1B. As <u>Tang et al.</u> fails to teach these features, applicant submits that the rejection for anticipation is overcome. Each of claims 10, 18, 34 and 42, which were rejected for obviousness over <u>Tang et al.</u>, depend from an allowable base claim and are thus believed to be allowable for at least the same reasons.

With respect to the double patenting rejection as this is a provisional rejection, applicant respectfully requests that it beheld in abeyance until an indication that the present application contains allowable subject matter is received.

Finally, attached is a copy of one of pages of Form 1449 submitted by the applicant in connection with the present application. The examiner has not initialed cites numbers 15-18. Applicant respectfully requests that the examiner indicate

consideration of these references in the response to the present amendment.

Based upon the foregoing, applicant respectfully submits that the application is in condition for allowance, and an early Office Action in this regard is earnestly solicited.

Respectfully submitted,

Stephen B. Heller

Registration No. 30,181

COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER, LTD. 200 West Adams Street - #2850 Chicago, IL 60606 (312) 236-8500 APR 0 5 2004 By

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2

 Complete if Known

 Application Number
 09/973,133

 Filing Date
 October 9, 2001

 First Named Inventor
 ShunpeYAMAZAKI et al.

 Art Unit
 2811, 383, 3

 Examiner Name
 Attorney Docket Number

 Attorney Docket Number
 SEL 281

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BU	14	JP 09-148066 with English Abstract	6/6/1997	KAWAMI et al		
	15	JP 10-041068 with English Abstract	2/13/1988	GOTO		
_	16	JP 10-214060 with English Abstract	8/11/1998	YAMADA et al.		
	17	JP 10-232649 with English Abstract	9/2/1998	YAMADA et al.		
	18	JP 10-312173with full Eng. translation	11/24/1998	USHIKUSA		
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